



Crl.O.P.(MD)No.3909 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.08.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.3909 of 2024
and
Crl.M.P.(MD)No.3102 of 2024

P.Shanthi

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai-625002.

2.The Assistant Commissioner of Police,
Central Crime Branch (CCB),
Krishnapuram Colony,
Madurai City, Madurai.

3.The Inspector of Police,
Cyber Crime Police Station,
Madurai City, Madurai.
(Crime No.31 of 2023)

... Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation to the second respondent office for conducting fair and impartial investigation in Crime No.31 of 2023 on the file of the third respondent and to direct the second respondent to file periodic



Crl.O.P.(MD)No.3909 of 2024

reporting to this Court on the progress made in the investigation within a stipulated time that may be fixed by this Court.

For Petitioners : Mr.R.Karunanidhi
For Respondents : Mr.P.Kottaichamy,
Government Advocate(Crl.side)

ORDER

This criminal original petition has been filed to transfer the investigation in Cr.No.31 of 2023 from the file of the third respondent to the file of the second respondent.

2.It is not in dispute that based on the complaint lodged by the petitioner, a case was registered in Cr.No.31 of 2023 for the offences under Sections 120B, 406, 420, 465, 468, 471 IPC and Section 66D of the Information Technology (Amendment) Act, against 7 persons and that after investigation, the third respondent Police has added four more accused.



Crl.O.P.(MD)No.3909 of 2024

WEB COPY

3.The third respondent Police has filed a status report stating that out of 11 accused, A1 was arrested and remanded, that A2, A3, A5, A6 & A10 had obtained anticipatory bail, that they came to know through confession statement of A1 that he was suffered by cancer and they arranged money from A7 & A8, due to some customs problems, the said amount was delayed and hence, demanded to give financial help, that believing the same, the defacto complainant has given 358 sovereigns of gold ornaments in various instalments and the same came to be pledged in Catholic Syrian Bank, Madurai, in the name of the some of the accused and also in the name of the defacto complainant, that she deposited a sum of Rs.90,97,000/- in various bank accounts given by A7 & A8, that remaining Rs.56,10,000/- has been transferred from the defacto complainant's account and her friends' account and then deposited to various bank accounts given by A7 & A8.

4.In the status report it is further stated that they have already given a letter to freeze the account and based on which a sum of Rs.16,36,294.32/- came to be frozen and that they have also come to know



Crl.O.P.(MD)No.3909 of 2024

that A5 and A6 were bank employees and only with their help, A1 to A3 pledged the jewels in various names.

5.As rightly contended by the learned counsel appearing for the petitioner, though FIR was registered on 18.07.2023, the third respondent has not taken effective steps to recover the property.

6.Considering the quantum of amount involved in this case and the investigation is not proceeding in a proper direction and also taking note of the submissions made on either side, this Court is inclined to transfer the investigation. Accordingly, the third respondent is directed to hand over the entire records to the second respondent, within a period of two weeks from the date of receipt of a copy of this order and after receipt of the same, the second respondent shall proceed with the investigation.

7.With the above direction, this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

09.08.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
gns



Crl.O.P.(MD)No.3909 of 2024

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To

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Madurai-625002.
- 2.The Assistant Commissioner of Police,
Central Crime Branch (CCB),
Krishnapuram Colony,
Madurai City, Madurai.
- 3.The Inspector of Police,
Cyber Crime Police Station,
Madurai City, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.3909 of 2024

K.MURALI SHANKAR,J.

gns

CrI.O.P.(MD)No.3909 of 2024

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